IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7307 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NIRULATTABEN G BHATT

Versus

STATE OF GUJARAT

Appearance:

MR KB PANDE for Petitioner

Mr.K.P. Raval, ASSTT. GOVERNMENT PLEADER for Respondent No. 1

MR PRANAV G DESAI for Respondent No. 3

NOTICE SERVED for Respondent No. 5

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 01/12/2000

ORAL JUDGEMENT

When the matter was called out in the first session, nobody was present. Even in the second half non is present.

2. The present petition is filed by the petitioner, who joined as Paniwala Bai in the Class IV cadre under respondent authorities on 17.3.1983 and was working at Fatehpura Kumar Shala, Vadodara. It is the case of the petitioner that she had applied for the post of Tailoring Teacher against various advertisements, the details of

which are set out in para 2 of the petition, such as,

Date of advertisement	Date of application
06.12.1979	13.12.1979
06.05.1983	09.05.1983
19.05.1984	23.05.1984
06.12.1985	16.12.1985
30.07.1986	07.08.1986

It is the case of the petitioner that she was not even called for interview for the reasons best known to the respondents. That besides the applications mentioned in para 2 of the petition, she had also sent reminders to the authorities with copies of certificates, etc. It is also her case that she had also applied for promotion as Clerk on various dates, the details of which are set out in the same para 2 of the petition, which reads as under :

- Application dated 26.12.1983 against Resolution No.142/ 83- 84, dated 21.12.1983.

- Application dated 7.8.1986 against advertisement dated 30.7.1986 and departmental instruction no.59/ 86- 87 dated 2.8.1986.

- Application dated 9.1.1988 against Resolution No.153/ 87- 88 dated 4.1.1988.

3. It is surprising that the present petition came to be filed only in the year 1991 (it was affirmed on 2.10.1991) and relief sought for in the petition is that the petitioner should be considered for appointment/ promotion as a Tailoring Teacher by the respondent from the date of her first application, i.e. 9.5.1983 and to pay difference of salary as per the scale she is entitled to as Tailoring Teacher within a stipulated time. The petitioner has further prayed that the advertisement which is published on 18.8.1991 be declared illegal, null and void and the same be quashed and set aside as the same is, according to the petitioner, violative of the guidelines given by the Govt. of Gujarat by various Resolutions and hence it is illegal and unconstitutional. It is also her case that the advertisement published (18.8.1991) is beyond the scope of the Resolutions of the Govt. of Gujarat. Therefore, the same is illegal, unconstitutional, null and void. The petitioner has also set out in para 5 of the petition cases of two persons who were appointed as Tailoring Teacher in 1981 and 1986 respectively. The petitioner tried to base her claim on

the ground that these two teachers were having same qualifications like the petitioner, namely, SSC Pass and Tailoring Course in Women & Children Garments (TCWCG) and therefore, she is also qualified to be appointed on the post. The petitioner also gave the name of one Manoramaben C. Shah who was also possessing qualification of SSC and TCWCG, and was appointed as Tailoring Teacher in 1981.

4. The petitioner has put forth a case on the basis that the petitioner being a departmental candidate, her case was required to be considered on priority basis amongst others. Whereas the respondent authorities have not even called her for the interview. Hence the impugned action of the respondent authorities is capricious, whimsical and illegal. The petitioner also quoted a decision of the Apex Court in the matter of P.K. Ramchandra Iyer v. Union of India, reported in AIR 1984 SC 541. A perusal of the said judgement reveals that the same has no application to the facts of the present case. The petitioner has not set out in specific any ground on which it can be said that the advertisement dated 18.8.1991 was beyond the criteria and scope of Govt. Resolutions.

5. As per the say of the petitioner she had applied for the post of Tailoring Teacher on various dates commencing from 1983 and she had joined service on 17.3.1983, as Paniwali Bai, the petitioner could have approached this Court well in time so as to see that the question of considering her case from the date of her first application arises. The petitioner has approached this Court in the year 1991 only and for that no reasons are given. The petitioner is also not able to make out any case for declaring the advertisement dated 18.8.1991 as illegal, null and void and beyond the scope of Govt. Resolutions. Therefore, the said prayer also cannot be granted to the petitioner.

6. In the result, the petition fails. Rule is discharged with no order as to costs.

1st December 2000 (Ravi R. Tripathi, J.)

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